

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

NIKKI BOLLINGER GRAE, Individually and )	Civil Action No. 3:16-cv-02267
on Behalf of All Others Similarly Situated, )	
Plaintiff, )	Honorable Aleta A. Trauger
vs. )	PLAINTIFF’S STATEMENT OF NON-
CORRECTIONS CORPORATION OF )	OPPOSITION IN FURTHER SUPPORT OF
AMERICA, et al., )	MOTION FOR (1) FINAL APPROVAL OF
Defendants. )	CLASS ACTION SETTLEMENT AND
_____ )	APPROVAL OF PLAN OF ALLOCATION;
	AND (2) AN AWARD OF ATTORNEYS’
	FEES AND EXPENSES AND AWARD TO
	PLAINTIFF PURSUANT TO 15 U.S.C. §78u-
	4(a)(4)

Lead Plaintiff and Class Representative Amalgamated Bank, as Trustee for the Longview Collective Investment Fund (“Plaintiff”) respectfully submits this statement of non-opposition in further support of the Motion for (1) Final Approval of Class Action Settlement and Approval of Plan of Allocation; and (2) an Award of Attorneys’ Fees and Expenses and Award to Plaintiff Pursuant to 15 U.S.C. §78u-4(a)(4). Pursuant to the Court’s June 29, 2021 Order Preliminarily Approving Settlement and Providing for Notice (“Preliminary Approval Order”) and as a supplement to the initial filing made by Plaintiff and its counsel on September 24, 2021 (ECF Nos. 467-474), Plaintiff submits to the Court the following updated information regarding the mailing of notice to the Class.

Here, at the conclusion of an extensive Court-approved notice program, the Class’ response to the Settlement, Plan of Allocation, and counsel’s request for an award of attorneys’ fees and expenses has been overwhelmingly positive. Pursuant to the Preliminary Approval Order, more than 176,000 copies of the Notice of Proposed Settlement of Class Action (“Notice”) and Proof of Claim

and Release form (“Proof of Claim”) were sent to potential Class Members and their nominees.<sup>1</sup> In addition, the Summary Notice was transmitted over the *Business Wire* and published in *The Wall Street Journal* on July 27, 2021. Murray Decl., ¶12. Copies of the Notice, Proof of Claim, Stipulation of Settlement, Preliminary Approval Order, Notice of Pendency of Class Action, and Consolidated Complaint were also posted on a website dedicated to the litigation. *Id.*, ¶14. The October 8, 2021 deadline for objecting to any aspect of the Settlement, the Plan of Allocation, and/or Plaintiff’s Counsel’s request for an award of attorneys’ fees and expenses has since passed and to counsel’s knowledge, as of the date of this statement, not a single objection has been received to any of the relief requested.

Accordingly, the reaction of the Class is significant evidence that the Class supports the Settlement, Plan of Allocation, and counsel’s attorneys’ fee and expense request, and thus weighs strongly in favor of approval. *See, e.g., In re Southeastern Milk Antitrust Litig.*, No. 2:08-MD-1000, 2013 U.S. Dist. LEXIS 70163, at \*19 (E.D. Tenn. May 17, 2013) (“The lack of objections by class members in relation to the size of the class highlights the fairness of the settlements to unnamed class members and supports approval of the settlements.”); *Brotherton v. Cleveland*, 141 F. Supp. 2d 894, 906 (S.D. Ohio 2001) (“[A] relatively small number of class members who object is an indication of a settlement’s fairness.”).

For the reasons set forth herein and in previously submitted memoranda and declarations, Plaintiff respectfully submits that the \$56 million Settlement is a highly favorable result for the Class, and the Plan of Allocation is a fair and equitable method for distributing the Net Settlement Fund. Therefore, both should be approved as fair, reasonable, and adequate. Finally, the attorneys’

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<sup>1</sup> See ¶¶4-11 to the Declaration of Ross D. Murray Regarding Notice Dissemination, Publication, and Requests for Exclusion Received to Date (“Murray Decl.”) (ECF No. 472), and ¶¶3-4 to the accompanying Supplemental Declaration of Ross D. Murray Regarding Notice Dissemination and Requests for Exclusion Received to Date.

fees and expenses requested by Plaintiff's Counsel and the award to Plaintiff for its dedicated service to the Class since its inception in 2016 are reasonable under the circumstances and should be awarded in the amounts sought.<sup>2</sup>

DATED: October 22, 2021

Respectfully submitted,

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<sup>2</sup> Proposed orders granting the relief sought herein are submitted herewith.

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### **CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on October 22, 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Christopher M. Wood  
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# Mailing Information for a Case 3:16-cv-02267 Grae v. Corrections Corporation of America et al

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)